

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL CORPOLONGO,

Plaintiff,

Case No. 05:06-CV-10480

-v-

Hon. John Corbett O'Meara

GRAND TRUNK WESTERN RAILROAD,
INC. d/b/a CANADIAN NATIONAL
RAILROAD, ROTUNDA MARBLE AND
STONE RESTORATION, INC. and PERRIN
CONSTRUCTION CO., INC.,

Defendants

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**ORDER GRANTING DEFENDANT, PERRIN
COMPANY, INC.'S MOTION FOR SUMMARY JUDGMENT**

This court on January 24, 2008, having been presented Defendant, Perrin Construction Company, Inc.'s Motion for Summary Judgment, having received Plaintiff, Michael Corpolongo's Response to Defendant Perrin Construction's Motion for Summary Judgment, and having heard oral argument presented by counsel and being more fully advised in the premises;

IT IS HEREBY ORDERED that Defendant, Perrin Construction Company, Inc.'s Motion for Summary Judgment is granted. That pursuant to the "Common Work Area Doctrine", as set forth in *Ormsby v Capital Welding, Inc.*, 471 Mich 45 (2004), Plaintiff, Michael Corpolongo has failed to meet elements (2) (to guard against readily observable and avoidable dangers), (3) (that created a high degree or risk to a significant number of workmen), (4) (in a common work area).

For these reasons and the reasons stated on the record on January 24, 2008, Defendant Perrin Construction Company, Inc.'s Motion for Summary Judgment is granted, and Plaintiff's Complaint against Defendant, Perrin Construction Company, Inc., only, is dismissed with prejudice.

Date: February 06, 2008

s/John Corbett O'Meara
United States District Judge

Approved as to form only:

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Certificate of Service

I hereby certify that a copy of this order was served upon counsel of record on this date, February 06, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager